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SUMMARY RECORD OF THE 373rd MEETING

Held at Headquarters, New York,
on Wednesday, 28 January 1998 at 10 a.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 10.30 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Combined second and third periodic reports of Bulgaria (CEDAW/C/BGR/2-3; CEDAW/C/1998/I/CRP.1/Add.1)

1. At the invitation of the Chairperson, Ms. Primatarova (Bulgaria) took a place at the Committee table.

2. Ms. PRIMATAROVA (Bulgaria), introducing the combined second and third periodic reports of Bulgaria (CEDAW/C/BGR/2-3), said that since the submission of its initial report in 1985, Bulgaria had witnessed radical changes in connection with the transition from a communist regime in which there had been total de jure equality to a system in which much more emphasis was placed on the slow achievement of genuine de facto equality. The combined second and third reports contained information dating from the period 1993 to 1994. In her oral presentation she wished to supplement that information with data from 1997. In view of the momentous upheavals that had taken place in her country, it was impossible to speak of continuity in Bulgarian political and social life during the 1990s.

3. In accordance with the new Constitution adopted in 1991, the separation of powers had become a constitutional principle and human rights and fundamental freedoms were constitutionally guaranteed, reflecting the progress made in building democratic institutions.

4. With reference to questions 9, 10 and 11 in the report of the pre-session working group (CEDAW/C/1998/I/CRP.1/Add.1), the present Government, in response to the deterioration in the economy under its predecessor, was committed to comprehensive structural reform and privatization. Measures had been taken to stabilize the exchange rate and inflation and to diversify exports, which were currently oriented towards the countries of the Organisation for Economic Cooperation and Development, the European Union and the Commonwealth of Independent States.

5. With regard to question 5, the decline in the rate of marriage and the increase in the rate of births outside wedlock was an observable trend throughout Europe. In Bulgaria it could be accounted for by the democratization of society and the emergence of more flexible forms of family partnerships. The same phenomena had existed but had not been typical in the communist period. Out-of-wedlock births had not been tolerated by society at large, and had therefore been at a relatively low rate. The rate had significantly increased between 1960 and 1996, but the Government was not overly concerned by the trend, which actually demonstrated that women had become more self-aware and were opting for a lifestyle of their choice rather than one imposed from above by the regime.

6. On question 6, the Ministry of Labour and Social Affairs and the Institute of Demography were elaborating a national population strategy in accordance with

international norms. Regarding questions 7 and 8, infant mortality had in fact stabilized in the 1990s compared with the rate in the 1970s and 1980s. Nevertheless, the figures were still relatively high and could be accounted for by early marriage, early and premature fertility, the high abortion rate, and insufficient knowledge about contraception. In 1995, 10 mothers had died as a result of complications connected with childbirth; there had been 14 deaths in 1996.

7. In Bulgaria the rights of women were considered to be an integral part of human rights. National legislation protecting human rights was based on the principle of equality and non-discrimination, as stipulated in article 6 of the Constitution. All citizens were equal before the law. Under the Penal Code, for example, Bulgarian women did not require the approval of their husbands, fathers or male relatives to go to court, except in cases where common interests were involved. There was equality before the law in the field of employment. Men and women were also protected equally against harm caused by State institutions and public officials. Since 1989 a number of laws containing restrictive provisions with respect to citizens' rights had been repealed or amended in accordance with international human rights standards. Bulgaria had also withdrawn its reservation to article 29, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women. Although there were no special laws on human rights and gender equality, article 5 of the Constitution stipulated that international instruments to which Bulgaria was a party were considered to be part of domestic legislation, and the provisions of the Constitution applied directly. The 1991 Constitution contained a special chapter on the rights of citizens. All international instruments to which Bulgaria was a party had been translated and widely disseminated.

8. With respect to question 15, the Bulgarian Constitutional Court, which operated outside the judicial system, had made no reference to the Convention for the simple reason that no cases of sex-discriminatory court decisions had been laid before it.

9. No temporary measures to achieve actual equality between men and women had been adopted because such equality was protected at the constitutional level. Nevertheless, the Bulgarian Government was fully aware that de jure equality was in itself inadequate to achieve genuine de facto equality.

10. With regard to question 18, specific measures had been taken to enhance the educational background of Romany children and to promote their competitiveness in the labour market. In order to address the high drop-out rate of Romany children, emphasis had been placed on teaching various technical crafts and skills. Preparatory classes had been instituted with a view to improving the children's knowledge of Bulgarian. A number of textbooks had been published in Romany. Teaching aids focusing on the history of Romany culture had been developed. In schools where Romany children were in the majority, extended education in music, arts, crafts and sports had been introduced. Efforts had been made in conjunction with the United Nations Educational, Scientific and Cultural Organization (UNESCO) to dissuade Romany parents from preventing their children's attendance at school.

11. The Bulgarian Government was fully aware of the need to empower women by incorporating them into the political decision-making process. However, the Committee should take account of the fact that, prior to 1989, there had been no decision-making processes in Bulgarian society owing to the totalitarian nature of the State. The re-education process therefore applied to both sexes in equal measure.

12. Regarding questions 4 and 14, immediately after the Fourth World Conference on Women, an intragovernmental commission had been established. Together with women's non-governmental organizations, the commission had prepared a report reviewing the goals achieved to date and enumerating the issues still pending in the field of equality. A national action plan for the implementation of the Beijing Platform for Action had also been elaborated. In 1996 the Council of Ministers had adopted the National Action Plan and decided to establish a permanent interministerial commission to monitor its application. As an interim measure, the Ministry of Foreign Affairs was acting as the focal point for coordinating all the issues related to the implementation of the commitments stemming from the Beijing Platform for Action. Consideration was also being given to the idea of instituting an ombudsman for human rights.

13. The present Government was firmly committed to implementing the Beijing Platform for Action. An essential ingredient in the process was identifying effective ways to involve men and thereby change the existing power structures and stereotyped gender roles. To that end, the Government had increased the participation of women in the decision-making process and integrated them into certain fields which until recently had been exclusively male preserves, such as the diplomatic service and the higher levels of public administration.

14. In that connection, and with reference to questions 33 to 44, there were now three female ministers out of a total of 17. Women accounted for 18 per cent of the total number of deputy ministers and 61 per cent of the staff and 75 per cent of the total number of heads of department attached to the Council of Ministers. The Bulgarian Minister for Foreign Affairs was female. One of the three deputy foreign ministers was a woman. A number of other senior posts in the Ministry of Foreign Affairs were also held by women. The rate of employment of women in the central divisions of ministries was relatively high, and in some cases women were in the majority. In the judiciary, women accounted for 60 per cent of the staff in district and regional courts and 45.7 per cent of the total number of public prosecutors. Nevertheless, much remained to be done to achieve de facto equality. The percentage of women in Parliament, about 11 per cent, was still unsatisfactory, despite the fact that those women often held prominent and high-profile positions in the various political parties. Under the communist system, the proportion of women in Parliament had been much higher, but since the previous Parliament had been a sham it was meaningless to speak of genuine equality.

15. Nor was the Government satisfied with the continuing traditional division of domestic responsibilities to the detriment of women. Women still performed the majority of household chores. Attitudes and traditional stereotypes needed to be challenged.

16. Despite the generous pregnancy and maternity protection currently in force in Bulgaria, the application of such provisions in practice, especially in the private sector, revealed cases of discrimination. Employers often preferred to fill vacancies with men or very young women who did not have family responsibilities. Additional difficulties in finding a job were posed by demands for very high professional qualifications, which older women could not usually meet. Many older women had not needed such qualifications under the communist regime because job allocation had been quota-based. Meanwhile, the structural reform of the economy had necessitated the closure of a large number of inefficient enterprises, which in turn was impeding the enforcement of the provisions designed to protect women. Nevertheless, the Government was offering training and retraining programmes to unemployed women with a view to enhancing their job opportunities.

17. Regarding question 16, under the Labour Code, a pregnant women or a mother of a child up to three years of age could only be dismissed with the approval of the Labour Inspection Unit. The same applied to wives of servicemen performing mandatory military service.

18. The Bulgarian authorities had taken a strong stand against organized crime, including traffic in women and the exploitation of prostitution. Recent amendments to the Penal Code had tightened up the penalties for those offenses. However, the problem was international in character and required concerted measures at the regional and global level.

19. With reference to questions 19 to 26, the report and the additional information provided by the delegation gave statistics on the victims of the most common forms of violence against women, including murder, attempted murder, severe physical injury, rape, attempted rape, robbery and hooliganism, all of which entailed severe penalties under the Penal Code. Victims of sexual harassment could also initiate criminal or civil court proceedings.

20. Domestic violence was a serious problem. Although any degree of physical injury was a criminal offence, judicial proceedings could be undertaken only if the victim lodged a complaint, and few cases were reported. Furthermore, owing to the policy of the former regime, which had attempted to conceal such practices as inconsistent with the values of the socialist family, Bulgarian society was generally unaware that domestic violence was a serious human rights violation. There was a need for consciousness-raising at the grass-roots level through non-governmental organizations (NGOs) and the mass media. The Ministry of Foreign Affairs, in cooperation with the Council of Europe, had held a seminar on domestic violence at Sofia in November 1997, and Parliament was considering draft legislation which would criminalize domestic violence against children, including girls.

21. With regard to article 9 of the Convention, she noted that Bulgaria had signed the European Convention on Nationality in January 1998.

22. In response to questions 45 to 51, she said that education at all levels was provided free of charge although tuition fees had been introduced for students enrolled without admission examinations. Private schools and colleges charged tuition. Bulgaria had 62 private schools, with a total enrolment of

5,874 students in 1996/1997. In September 1997, women had accounted for over 60 per cent of the students at higher education institutions, where 5,792 of the 12,058 teachers and 243 of the 423 administrators were women. Since Romany women had the same right to an education as other Bulgarians, no breakdown of the statistics on Bulgarian women's educational and professional achievements by ethnic and religious origin was available.

23. In reply to questions 52 to 67, she said that women had accounted for approximately 47 cent cent of the workforce between 1990 and 1995, largely in the main branches of the State-controlled sector in the major cities. Unemployment was a major problem. Women had constituted 53.5 per cent of the total unemployed population in the first half of 1997. The Government hoped that its privatization programme would reduce unemployment for both men and women in the medium and long term.

24. With regard to question 56, the last sentence in paragraph 92 of the report should read "This leave time is considered as length of service" rather than "This leave time also depends on length of service".

25. In reply to questions 54 and 57, she said that mothers received compensation equivalent to the minimum wage during their additional maternity leave. No specific legislation on that issue had been adopted, and there was no statistical data on the number of men and women who benefited from paid child-care leave.

26. In reply to question 55, she said that there were 3,713 kindergartens, including 3,020 day care centres, in Bulgaria.

27. The health care system was undergoing reform with a view to improving its effectiveness and ensuring no-cost health care within the limitations of the restrictive fiscal policy. Legislation was pending on health insurance.

28. In reply to question 12, she said that the Government's land privatization programme, which was part of its agrarian reform, was under way, but the process of land restitution had not been completed. Credit was available for agricultural products which were priorities under the national agricultural programme. The Government hoped that agricultural reform would also improve the situation of rural women.

29. In reply to question 84, she said that there were no legal provisions regulating the rights and responsibilities of men and women who lived together but were not legally married.

30. In closing, she assured the Committee of her Government's commitment to full implementation of the Convention and its readiness to cooperate with the Committee.

31. Ms. ACAR said that the Government of Bulgaria had made great progress in the promotion of human rights and democratization and she hoped that there would be a corresponding improvement in the status of women. As the delegation had noted, gender equality and women's participation at all levels of society were necessary prerequisites for democracy.

32. The de facto inequality of women, which the Government had acknowledged, called for special measures, including targeted legislation and the implementation thereof, if gender equality was not to be lost in the complex issues of democratization, human rights and development. Experience had shown that a delay in the establishment of measures to counter gender discrimination during periods of crisis and change could only lead to greater problems in the future and that it was essential for countries in transition to give priority to the creation of national machinery for the implementation, coordination and monitoring of legal provisions for the advancement of women.

33. Ms. CORTI said that the Government clearly attached great importance to the Convention, and she hoped that the constructive dialogue between the Committee and the delegation would help to improve the situation of Bulgarian women during the current crisis. Any change from one system of government to another was traumatic, and women were usually the greatest victims. The delegation's statement had shown that there had been progress in the economic and employment status of women since the preparation of the report and she hoped that that process would continue.

34. While she was pleased that Bulgaria had withdrawn its reservation to article 29 of the Convention, it was unfortunate that neither the report nor the delegation's statement had included a description of government strategies to address women's issues and implement the Convention and that some of the questions raised in the report of the pre-session working group had been left unanswered. Specifically, she asked whether ratification of the Convention had been published in an official gazette and whether its provisions had been fully incorporated into domestic law. She also wondered what the Government was doing to combat the growing problem of poverty, particularly among women.

35. While the increase in the number of women in decision-making bodies was encouraging, the percentage remained low given the large numbers of highly-qualified Bulgarian women. She wondered how the various political parties were addressing the issue.

36. With regard to the question of violence against women, domestic violence was a sensitive issue in many European countries with conservative traditions. It was important to persuade women to report such violence and to adopt effective legislation to combat it. The requirement that victims must report domestic violence before the courts could take action was unsatisfactory.

37. With regard to article 6, she emphasized the need for international cooperation to eliminate trafficking in women.

38. With respect to article 12, she wondered why women were still using abortion as a means of contraception and what the Government was doing to provide family planning services and education. Furthermore, the privatization of hospitals could lead to problems, particularly in rural areas. She requested further information on the Government's health policy and stressed the importance of women's participation in decisions on health-related matters.

39. Ms. HARTONO said that she was disturbed by the delegation's statement that the Government considered the decline in the marriage rate and the increase in

out-of-wedlock births to be a sign of greater self-awareness and self-determination on the part of women. That statement raised a question of principle which both States parties and the Committee should consider. The purpose of eliminating discrimination against women was not to encourage a loss of morals, values and ideals or to promote promiscuity, but rather to improve the status and quality of life, not only of women, but of all members of society.

40. Ms. OUEDRAOGO expressed surprise at the persistence of negative stereotypes of women despite the impressive gains which Bulgarian women had made in education. The Government should sponsor educational campaigns using such vehicles as popular music and theatre with a view to changing those stereotypes.

41. Given the importance of the family as the basic unit of society, a national debate should be launched on the serious problem of out-of-wedlock births and special temporary measures should be taken to address the problem. Despite the Government's efforts, the situation of rural women also remained critical. She wondered whether any studies had been undertaken on women entrepreneurs. The establishment of small and medium-sized enterprises might be one way of tapping the relatively large pool of university-educated women while at the same time reducing the high unemployment level among women.

42. Ms. SCHÖPP-SCHILLING expressed concern that the Government might be placing too much reliance on the institutions of Bulgaria's socialist past as the framework for guaranteeing formal equality for women, to the detriment of de facto equality. It was essential to look very carefully at the current process of economic and social transformation with a view to eliminating structural discrimination against women, which was manifested in such realities as the segregation of the labour market.

43. She would welcome additional information on the Inter-Ministerial Commission which had been established to monitor the implementation of the Beijing Platform for Action, and in particular whether it could be considered as the national machinery for promoting women's rights, whether there were plans for its enlargement, what its rules of procedure and budgetary resources were and whether it coordinated the activities of the various ministries. The Government might wish to avail itself of the experience which other European States had had with the establishment of similar national machinery.

44. The Committee would also welcome additional information on the National Action Plan, including an English translation of the text, and on the number of women in the various ministries who had participated in its preparation. It might also be possible to obtain funding from the European Union for the training of those persons responsible for the implementation of the Plan.

45. Article 4 provided for the adoption of temporary special measures to accelerate women's equality. Given the current situation of women in Bulgaria, it might be necessary to temporarily undermine formal equality in order to ensure de facto equality between men and women, including through the establishment of "opportunity offices" for women at the regional and community levels.

46. Equally disturbing was the situation of older women in Bulgaria, about whom very little information had been provided. Pensions appeared to be inadequate and poverty among that group was a serious problem. The Government should therefore take urgent steps to remedy the situation.

47. On the subject of births outside of wedlock, she wondered whether the mothers were single women, or unmarried but cohabiting women, and whether the high incidence of such births might not be due to the special allowances which they attracted. The problem might therefore be one of poverty rather than morality.

48. Ms. GONZÁLEZ expressed the hope that the trend towards increased participation by women in the drafting of gender-related legislation and policies would continue. She was, however, very disturbed by reports about the situation of the Romany population, in particular the children, more than half of whom did not attend school. The failure to secure an education would further increase the vulnerability of an already disadvantaged sector of society.

49. The report contained little information on the way in which the society as a whole responded to the problem of domestic violence. The Government could contribute to a solution through campaigns to create greater awareness of a problem that undermined the family unit, which was the very foundation of society. A related problem was that of paedophilia, which was the scourge of societies throughout the world. She would welcome information on the incidence of that phenomenon in Bulgaria as well as on the extent to which drug addiction, particularly among women and youth, was a problem in the country.

50. The situation of rural women appeared to be one of hardship. It would be interesting to learn whether, as a result of the agrarian reform programme, women could now own land or whether they continued to be merely a source of labour.

51. Ms. FERRER noted that, pending the appointment of a new head of the Inter-Ministerial Commission, the Ministry of Foreign Affairs was serving as the focal point for the coordination of all issues related to the implementation of the Beijing Platform for Action in Bulgaria. She wondered whether that Commission would eventually develop into a national mechanism for the promotion of equality or whether some other mechanism was envisaged.

52. The situation of poverty, which was a feature of the transition to a market economy, was a source of concern to the Committee, particularly since it affected the most vulnerable sectors of society, including women. She would therefore welcome information on any poverty-alleviation programmes that were targeted at women, who were often single mothers and heads of households.

53. She wished to know why more women had not enrolled in the qualification and requalification courses organized for the unemployed. She also requested information on the Government's efforts to improve the standard of living of women in rural areas. Lastly, she asked if special programmes were being established to change patterns of behaviour that placed women in a subordinate position.

54. Ms. RYEL said that she was pleased that an ombudsman for human rights would be appointed. However, the ombudsman had to be provided with funding and personnel, supported by political will at the highest levels of government and given a clear mandate to promote gender equality. In that connection, legislation on gender equality and temporary affirmative action measures were also needed. While grass-roots and mass-media awareness campaigns to combat domestic violence were commendable, legislation should be adopted and free legal aid should be provided for women victims of domestic violence.

55. Ms. AOUIJ said that while she was pleased to hear that three ministers and a significant number of vice-ministers in the Bulgarian Government were women, she was concerned by the lack of national machinery for the advancement of women and the promotion of a gender perspective. She hoped that the Government would take measures to combat the exploitation and trafficking of women and domestic violence, and she requested more detailed information on those issues in the next report.

56. Ms. BUSTELO GARCIA DEL REAL said that although focusing on law enforcement to combat prostitution and trafficking in women was essential, it was also necessary to take preventive measures to eliminate the root causes. She requested additional information on whether the Government or non-governmental organizations planned to encourage entrepreneurship, and, in particular, if they provided credit for women.

57. Ms. JAVATE DE DIOS said that she was concerned by the lack of a gender equality law but that the appointment of an ombudsman for human rights would be a step in the right direction. The figures for violent crimes committed against women and for prostitution were unacceptably high. She wished to know what percentage of abortions were performed because the pregnancies were the result of rape. She was disappointed that no national plan of action or legislation to combat violence against women had been established and suggested that services for victims and prevention in the form of education should be provided. She hoped that the Government would take action immediately to address Bulgaria's social and economic problems, and thereby eliminate violence against women and create an environment that favoured the free exercise of their rights.

58. Ms. ESTRADA CASTILLO said that the report did not reflect a gender perspective. For example, she did not understand why the feminization of professions should lead to a reduction in their prestige, as mentioned in paragraph 30 of the report (CEDAW/C/BRG/2-3). She also wished to know why the Constitution did not clearly state that men and women were equal before the law. Lastly, she requested additional information on the number of men sentenced for committing violent crimes against women and asked whether there were services for the victims of those crimes.

The meeting rose at 1 p.m.